

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18465 of St. Patrick's Episcopal Day School, pursuant to 11 DCMR § 3104.1, for a special exception to allow an increase in the number of private school and child development center students from 440 to 485 students under §§ 205 and 206, in the R-1-B and D/R-1-B Districts at premises 4700 Whitehaven Parkway, N.W. (Square 1372, Lot 817 and Square 1374, Lots 838, 839, and 857).

HEARING DATE: December 11, 2012
DECISION DATE: December 11, 2012

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. ANC 3D filed a letter report, dated December 7, 2012, which indicated that at a properly noticed, regularly scheduled public meeting held on November 7, 2012, with a quorum present, the ANC voted unanimously to support the application by a vote of 9:0:0. (Exhibit 38.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application, subject to conditions. (Exhibit 36.) By its letter, dated October 11, 2012, the Office of State Superintendent of Education recommended that the application be approved. (Exhibit 33.) The District Department of Transportation ("DDOT") submitted a letter dated December 5, 2012 of no objection subject to five conditions. (Exhibit 37.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18465

EXHIBIT NO. 44

Board of Zoning Adjustment
District of Columbia
CASE NUMBER: 18465A
EXHIBIT NUMBER: 44

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exception under §§ 205 and 206. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 205, and 206 that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The number of students shall not exceed 485. This enrollment cap shall apply to Nursery through Grade 8 located on the Whitehaven Campus. The total number of staff and faculty shall not exceed 105 persons.
2. The Applicant shall file an annual report with the Advisory Neighborhood Commission indicating the total number of faculty and staff, with a breakdown showing how the number of employees is no greater than 105 persons.
3. The Applicant shall hold quarterly meetings with the Advisory Neighborhood Commission and the community.
4. The evergreen buffer required by Order No. 14009, as amended, will be maintained to mitigate the visual and aural effects of the gymnasium approved in Order No. 16517.
5. There will be no exterior lighting of the gymnasium except that required for security and identification purposes.
6. No light fixture attached to the gymnasium or installed in the adjacent parking lot shall be visible from an occupied level of a Berkeley Terrace residence.
7. There will be no lighting of the playing field. Any lighting of the parking lot will be installed such that the rays are directed toward the surface of the lot to avoid an impact on adjacent properties.

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8. There will be no sound systems installed outside. Portable sound systems may be used only in connection with school and church events and only during daytime hours, subject to reasonable limitations (or instruction to the coaches or masters of ceremony).
9. The gymnasium roof shall remain free of any fixtures or attachments, such as lights, HVAC equipment, antennas and satellite dishes.
10. St. Patrick's shall install and maintain evergreen trees along the southern edge of the playing field.
11. The school facilities shall be used for school and church purposes only except that non-profit 501(c)(3) organizations, such as community groups, may use school facilities subject to a maximum of three times a month. On Saturdays, Sundays, and holidays, the playing field may be used for school or church purposes. Use by non-school, non-church organizations during this time shall be limited to once per month.
12. There shall be a 6:00 p.m. curfew on the use of the playing field.
13. No stadium seating or bleachers shall be constructed either of a temporary or a permanent nature or shall be installed on the playing field level.
14. The Applicant shall close the pedestrian curb cut on the Whitehaven Parkway lay-by within two years of the issuance of a certificate of occupancy reflecting the increase in the student enrollment cap.
15. The Applicant shall install at least one inverted bicycle U-rack at the main building entrance.
16. The Applicant shall install at least five inverted bicycle U-racks in the parking garage.
17. The Applicant shall provide a sidewalk on the south side of Whitehaven Parkway for the portion of property immediately abutting the School. The sidewalk shall be provided within two years of issuance of a certificate of occupancy reflecting the increase in student enrollment.

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Nicole C. Sorg, and Michael G. Turnbull to APPROVE; the third Mayoral member vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BABIN
Director, Office of Zoning

FINAL DATE OF ORDER: December 17, 2012

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THEREOF, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.